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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SANDRA L. FERGUSON,

11 Plaintiff,

12 v.

13 BRIAN J. WAID AND THE WAID
14 MARITAL COMMUNITY,

15 Defendants.

Case No. C17-1685RSM

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

16 This matter comes before the Court on Defendant's May 25, 2018, Motion for
17 Reconsideration. Dkt. #90. The Court has determined that responsive briefing is unnecessary.
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19 *See* LCR 7(h)(3).

20 Defendant argues the Court stated an incorrect legal standard in footnote three of its
21 May 11, 2018, Order Denying Parties' Motion for Partial Summary Judgment, Dkt. #85.
22 However, the instant Motion also states, "[a]lthough Defendant does not believe that the
23 Court's Order prevents Defendant from raising this issue in his trial brief, out of an abundance
24 of caution and to preserve his rights, Defendant brings this Motion for Reconsideration under
25 LCR 7(h) as to this particular matter." *Id.* at 1–2.
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1 “Motions for reconsideration are disfavored.” LCR 7(h)(1). “The court will ordinarily
2 deny such motions in the absence of a showing of manifest error in the prior ruling or a
3 showing of new facts or legal authority which could not have been brought to its attention
4 earlier with reasonable diligence.” *Id.*

5 The Court appreciates Defendant’s “abundance of caution.” However, the Court’s
6 statement of law in footnote 3 was dictum. It was unnecessary to the decision in the case,
7 contained in a footnote, and proceeded by “the Court notes that...” *See* Dkt. #85 at 7. Because
8 it has not been made part of a ruling in this matter, Defendant’s right to raise this issue in his
9 trial brief is preserved. Accordingly, this Motion for Reconsideration is properly denied as
10 moot.
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13 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
14 finds and ORDERS that Plaintiff’s Motion for Reconsideration, Dkt. #90, is DENIED.

15 DATED this 25th day of May, 2018.
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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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